

Notice of Allowability

Application No.

09/766,811

Examiner

Tuan A. Vu

Applicant(s)

CRUDELE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/24/2005.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 10 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/22/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 3/24/05.

As indicated in the Appeal Brief of the above response, no claims have been amended.

Claims 1-12 are pending in the office action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

A. Authorization for this examiner's amendment was given in a telephone interview with attorney Ido Tuchman, Reg. # 45924 on 6/22/05.

The application has been amended as follows.

In the CLAIMS (as submitted in the Appeal Brief as of 3/24/05),

Claim 6:

A system for deploying software over a computer network, the system comprising:
a software package including at least one file, the file including definitions of actions involved in a software distribution, wherein the software package includes a hierarchical structure of leaf and branch nodes capable of being traversed from parent to child in a top-down manner; each leaf node corresponding to a respective type of action;
a management agent configured to receive the software package; ~~and~~
a target endpoint computer including a software package engine resident on the target endpoint computer, the software package engine configured to receive instructions via the

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management agent and to deploy said software using a first mode and a second mode; the software package further including:

a plurality of classes, each class corresponding to said respective type of action;

at least one class having attributes corresponding to at least one action of said software package file;

at least one class instance having attributes corresponding to at least one action of said software package file;

a check method associated with at least one of said at least one class instance configured to determine if a deployment operation can be implemented in a specified first mode;

a first method responsive to a successful check and associated with at least one class instance in said first mode; and

a second method responsive to a check failure of any class instance and associated with at least one class instance in a second mode, the second mode being less preferable than the first mode.

B. Authorization for this examiner's amendment was given in a telephone interview with attorney Ido Tuchman, Reg. # 45924 on 6/24/05.

In the SPECIFICATIONS,

Replace the entire 'Related subject matter' paragraph under BACKGROUND OF THE INVENTION, from page 1, line 8 to page 2, line 10 (From 'Related subject matter may be found ...' to '...entitled "Checkpointing from a Software Package";') **with the following:**

Related subject matter may be found in the following commonly assigned, co-pending U.S. Patent Applications, which are hereby incorporated by reference herein:

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Serial No. 09/460855 (AT9-99-275), entitled "APPARATUS FOR DATA DEPOTING AND METHOD THEREFOR", now issued as US Patent No. 6772158;

Serial No. 09/460853 (AT9-99-276), entitled "APPARATUS FOR RELIABLY RESTARTING INTERRUPTED DATA TRANSFER AT LAST SUCCESSFUL TRANSFER POINT AND METHOD THEREFOR", now issued as US Patent No. 6526447;

Serial No. 09/438436 (AT9-99-655), entitled "APPARATUS FOR CONNECTION MANAGEMENT AND METHOD THEREFOR" and;

Serial No. 09/458268 (AT9-99-324), entitled "COMPUTER NETWORK CONTROL SYSTEMS AND METHODS", now issued as US Patent No. 6615274;

Serial No. 09/460852 (AT9-99-325), entitled "METHODS OF DISTRIBUTING DATA IN A COMPUTER NETWORK AND SYSTEMS USING THE SAME";

Serial No. 09/458269 (AT9-99-315), entitled "SYSTEMS AND METHODS FOR REAL TIME PROGRESS MONITORING IN A COMPUTER NETWORK", now issued as US Patent No. 6704782;

Serial No. 09/460851 (AT9-99-316), entitled "APPARATUS FOR AUTOMATICALLY GENERATING RESTORE PROCESS DURING SOFTWARE DEPLOYMENT AND METHOD THEREFOR", now issued as US Patent No. 6588011;

Serial No. 09/469854 (AT9-99-323), entitled "AN APPARATUS FOR JOURNALING DURING SOFTWARE DEPLOYMENT AND METHOD THEREFOR", now issued as US Patent No. 6604237.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. Claims 1-12 are allowed as a result of the arguments in the Appeal Brief and the above amendments.

The following is an examiner's statement of reasons for allowance:

The prior art taken separately or jointly does not suggest or teach the following features.

A system and tool for deploying software over a computer network, the system comprising a software package including a (i) hierarchical structure of leaf and branch nodes wherein each node corresponds to a respective type of action defined in a software package file included with the package; means for (ii) reading the software package file for instantiating a class having attributes corresponding to the respective type of action according to the above definition; and executing means for (iii) executing a check method of at least one of said class instances to determine whether a deployment operation can be implemented in a first mode, and accordingly, either executing a first method on one class instance in first deployment mode, or executing a second method on one class instance in a second mode being a less preferable mode than the first mode.

Collins, USPN 5,845,090, discloses a software deployment tool including packaging file with criteria for execution method steps for installing the package software and upon failure during such installation, executing a software unbuilt method to revert to the original software; but Collins does not teach or suggest the package including a structure with each leaf node corresponding to the action type defined as in (i); nor does Collins teach or suggest instantiating of classes having attributes corresponding to the respective type of action thus defined; and using methods of at least one of such class instances to check whether a deployment operation can be implemented in one preferable first mode or if not implemented in a less preferable second mode as in (iii) and execute the deployment methods from the class instances according to the result of such check method.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT
June 23, 2005


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